REMARKS

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. § 112, are respectfully requested in light of the following remarks.

Claims 1-28 remain in this application.

Claim 1 has been amended to recite elements that were previously in the preamble within the body of the claim, to change the formatting on two of the recited elements to make the claim more readable and to simplify the claim language. Support for this amendment is found in previous version of the claim. Claim 2-25 have been amended so that their preamble has antecedent basis in the claims from with they depend and to recite proper claim language through the use of proper terms. Claims 3, 5, 8, 9, 11, 13, 15, 17, 20-22 and 23 have also been amended to properly recite the Markush group. Claim 5 has also been amended to delete preferable embodiments. Claim 7 has also been amended to incorporate the structure of various groups that were previously references as being in claim 3 and then deleting the reference to claim 3. Claim 19 has also been amended to indent the recitation of certain elements to make the claim more readable. Claims 21 and 22 have also been amended to place a comma between each member of the Markush group.

No new matter has been introduced as a result of the foregoing amendments.

Objection

Claim 2 has objected to as being of improper dependent form for failing to further limit the subject matter of claim 1, fro which it depends.

Claim 2 recites that the composition further comprises at least one POS (B) of formula (II). Therefore, Claim 2 further limits the subject matter of claim 1.

Applicants request that this objection be withdrawn.

35 U.S.C. §112, second paragraph rejection

Claims 1-28 have been rejected under 35 U.S.C. §112, second paragraph as failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

1.   The structure of the siloxyl units of formula (I) and (II) $R^1_xR^2_yR^3_zSiO_{(4-x-y-z)/2}$ is indefinite because it is not clear how the R1, R2 and R3 radicals are bonded to the SiO and how the 2 siloxyl units of formula (I) are bonded to each other. It is also unclear whether (4-x-y-z)/2 refers to "O" or "SiO."

The recitation of siloxane units of the formula $R^1_xR^2_yR^3_zSiO_{(4-x-y-z)/2}$ is not indefinite because the recited structural units were well known in the art. For example, U.S. Patent 5,958324, which issued September 28, 1996, recites:

The siloxane resin contains units of the formula

$R_xR^1_yR^2_z SiO_{(4-x-y-z)/2}$ wherein each R is independently selected from

unsaturated monovalent hydrocarbon groups, each R^1 is

independently selected from aryl groups of 6 to about 10 carbon

atoms, and each R^2 is independently selected from saturated

monovalent hydrocarbon groups, x has a value of 1 or 2, y has a value

of 0, 1, or 2, and z has a value of 0, 1, or 2 with the proviso that

x+y+z=1, 2, or 3.

In the above formulae, R is preferably an alkenyl group such as

vinyl, allyl, propenyl, pentenyl, or hexenyl, with vinyl being most

preferred. R^1 is preferably a phenyl, tolyl, or xylyl group, with phenyl

being most preferred. R^2 is preferably an alkyl group such as methyl,

ethyl, n-propyl, or isopropyl, with methyl being most preferred.

Preferred siloxane resins have the formula

$(R^1SiO_{3/2})_e(R^2SiO_{3/2})_f(RR^2_2 SiO_{1/2})_g$, where R, R^1, and R^2, are as

defined above and $0 \leq e \leq 0.98$, $0 \leq f \leq 0.98$, $0 < g \leq 1$, and e+f+g=1.

Preferably, e has a value of 0.2 to 0.5, f has a value of 0.2 to 0.5, and g

has a value of 0.15 to 0.3. More preferably, R represents a vinyl

group, R^1 represents a phenyl group, R^2 represents a methyl group,

and e, f, and g are as defined above.

The siloxane resins are well known in the art and their method

of preparation is not critical. ... . (Col. 2, lines 41 - 67)

One of ordinary skill in the art recognizes that silyl groups are often

represented by $R^1_x R^2_y R^3_z Si$- where the R groups are bound to the silicon atom as

shown below:

$$R^2 \underset{\underset{R^3}{|}}{\overset{\overset{R^1}{|}}{\text{Si}}} $$
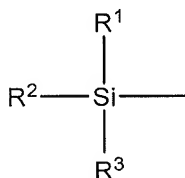
This can also be seen at http://en.wikipedia.org/wiki/Silyl_ether.

The formula (4-x-y-z)/2 describes the number of oxygen atoms associated with the unit. One of ordinary skill in the art recognizes that in a chemical structure, in the absence of a parenthesis, a number immediately following an atom refers to the number of atoms of that element. Therefore the formula (4-x-y-z)/2 is associated with "O".

2.   The Office Action indicates that it is unclear how POS (B) of formula (II) of claim 2 further limits POS (A) of formula (I) of 1.

Claim 2 recites that the composition of claim 1 further comprises at least one POS (B). The language "further comprises" further limits the composition of claim 1. It does not further limit the POS (A).

3.   The Office Action indicates that it is unclear how POS (A) of formula (VIII) of claim 5 further limits POS (A) of formula (I) of claim 1.

The POS (A) of formula (VIII) further limits POS (A) of formula (I) of claim 1 by requiring that POS (A) is an essentially linear random or block copolymer having the mean general formula (VIII). The POS (A) of formula (VIII) is a subset of the POS (A) of formula (I) and therefore further limits POS (A) of formula (I) of claim 1.

4.   The Office Action indicates that it is unclear what the symbol "η" in claims 19, 22 and 23 represent.

The symbol "η" in claims 19, 22 and 23 is part of the chemical nomenclature system that describes the binding of ligands to a coordinating metal. The symbol "η" refers to the hapticity of the ligand. Hapticity is a term of art that is used to describe

how a group of *contiguous* atoms of a ligand are coordinated to a central atom. Hapticity of a ligand is indicated by the Greek character 'eta', η. A superscripted number following the η denotes the number of contiguous atoms of the ligand that are bound to the metal. This can be seen at: http://en.wikipedia.org/wiki/Hapticity

This symbol is widely used in the art. This is shown for example by its use in many publication and patents, such as U.S. Patent No. 5,468,902, the U.S. counterpart of EP0562897, which is cited in the specification of the instant application.

5.   The Office Action indicates that it is unclear what the symbol "Φ" in claims 22 and 23 represent.

The symbol "Φ" is used in the art to represent an aromatic functional group such as a phenyl group. It is often used to represent

This is shown for example by its use in many publication and patents, such as U.S. Patent Nos. 5,340,898 and 5,468,902, the U.S. counterparts of EP0562897 and EP0562897, respectively, which are cited in the specification of the instant application.

Therefore claims 1-28 are not indefinite because the disclosure particularly points out and distinctly claim the subject matter which the applicant regards as the invention as required by 35 U.S.C. 112, second paragraph.

Applicants therefore request the withdrawal of the rejection of the claims 1-28 under 35 U.S.C. §112, second paragraph.

From the foregoing, Applicant earnestly solicits further and favorable action in the form of a Notice of Allowance.
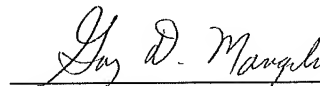
If there are any questions concerning this paper or the application in general, Applicant invites the Examiner to telephone the undersigned at the Examiner's earliest convenience.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: <u>December 18, 2009</u>   By: _____

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